

**GOVERNMENT OF THE VIRGIN ISLANDS  
DEPARTMENT OF PLANNING AND NATURAL RESOURCES  
DIVISION OF ENVIRONMENTAL PROTECTION**

**STOP-USE ORDER**

Respondent: Terminix International USVI, LLC

Location: 3562 Honduras, Suite 8, St. Thomas Virgin Islands 00802

Date: March 24, 2015

Time:

Stop-Use Number: STT-SU01-15

The Commissioner Nominee of the Department of Planning and Natural Resources issues this Stop-Use Order pursuant to V.I. Code Ann. tit 12, §838 (a) (1) (2011) based on the following:

1. On March 23, 2015, the Division of Environmental Protection- Pesticide Program (DEP-PP) conducted a Misuse Inspection and found the following product at Terminix International USVI, LLC (Respondent): **Meth-O-Gas® Q (EPA Registration No. 5785-41)**;
2. Further, the inspection revealed that the above products contained pesticidal claims on the labels and therefore is considered a pesticide as defined in V.I. Code Ann. tit 12, §801 (45) (2011);
3. Further, the inspection revealed that the above pesticide product was used in Unit J at Sirenusa Residences located in St. John, US Virgin Islands on March 18, 2015, and was also used at the Sirenusa Residences in October 2014. Sirenusa is best described as a vacation rental/ condominium complex;
4. Further, the inspection revealed that **Meth-O-Gas® Q (EPA Registration No. 5785-41)** is not approved for use in residential structures;
5. Further, the inspection revealed that Respondent did not apply **Meth-O-Gas® Q (EPA Registration No. 5785-41)** in a manner consistent with the attached label;
6. Further, the inspection revealed that Respondent did not store **Meth-O-Gas® Q (EPA Registration No. 5785-41)** in a manner consistent with the attached label, and
7. During the inspection, Respondent provided an MSDS for a product with an EPA registration number that was different from the Methyl Bromide product that was observed by the inspectors.

V.I. Code Ann. tit 12, §836 (a) (5) (2011) specifically prohibits the use of any pesticide that is being used in a manner which is inconsistent with the provisions of this Chapter. The Virgin Islands law also states in V.I. Code Ann. tit 12, §838 (c) (2011) that “[w]henver the Commissioner finds, or has probable cause to believe, that a pesticide is being used in violation of any provision of this chapter or rules and regulations promulgated pursuant thereto, the Commissioner may issue a stop-use order requiring the user of the pesticide immediately to cease using such pesticide and immediately to remove such pesticide to the specified location[.]”

In consideration of the foregoing, Respondent, upon receipt of this Stop-Use Order, is hereby

**ORDERED** to immediately stop using fumigant Meth-O-Gas® Q (EPA Registration No. 5785-41) and any other pesticide containing methyl bromide in the United States Virgin Islands, to include St. Thomas, St. John and St. Croix; and it is further

**ORDERED** to provide DPNR-DEP, by close of business on March 26, 2015, with all documentation relating to Respondent’s purchase, use and application, anywhere in the U.S. Virgin Islands, of Meth-O-Gas® Q (EPA Registration No. 5785-41) or any other pesticide containing methyl bromide over the last twelve months, and to be available to answer questions from DPNR-DEP with regard to such purchase, use or application; and it is further

**ORDERED** to quarantine the above pesticide in their current secure locations, unless DPNR-DEP or the U.S. Environmental Protection Agency direct otherwise or have taken custody of the pesticides; and it is further

**ORDERED** to not remove, destroy, alter or affect the above pesticides, or the containers in which they are stored, in any manner while in quarantine unless authorized in writing by DPNR-DEP; and it is further

**ORDERED** to provide DPNR with access in both St. Thomas and St. Croix to inspect and, at DPNR's discretion, remove all quantities of the above pesticides.

Pursuant to V.I. Code Ann. tit 12, §839 (b) (2011), Respondent shall have ten (10) days from the date of receipt of this Stop-Use Order to show cause to the Commissioner Nominee, in writing, as to why the above listed pesticides should not be disposed of in accordance with the provisions of law. This Order shall pertain to all quantities and volumes of the above listed pesticides within the ownership, control, or custody of Respondent, wherever located.

The occurrence alleged above, and/or your failure to comply with the terms of this Stop-Use Order, or any other order(s) pertaining to the above listed pesticides constitutes a violations of V.I. Code Ann. tit 12, §842 (a) (2011) which states in part "[e]xcept as otherwise provided in this subsection, any person who violates any provision of this chapter or any rule, regulation or order issued there under or commits any offense described in section 836 of this chapter shall be liable to the people of the United States Virgin Islands for a civil penalty not to exceed \$5000 dollars for a first violation..."

Received By: <u>[Signature] Admin. Assist 3/25/15</u> Signature and Title and Date
Name Printed: <u>Diane Pamphile</u>
SO ORDERED THIS <u>24</u> DAY OF <u>March</u> , 2015 <u>[Signature]</u> Dawn L. Henry, Esq., Commissioner Nominee